

DRAFT REPORT

SIMSBURY CHARTER REVISION COMMISSION

NOVEMBER 17, 2005

MEMBERS:

**Carl Eisenmann
William Ethier
Charles L. Howard
Anita Mielert
John D. Ritson
Linda Schofield
Eileen M. Zaldonis**

I. INTRODUCTION

On July 22, 2004, the Board of Selectmen of the Town of Simsbury voted to create a Charter Revision Commission (“Commission”) pursuant to Section 1108 of the Town Charter (“Charter”) and Chapter 99 of the Connecticut General Statutes, as amended. The Board of Selectmen approved the following persons to serve on the Commission:

Carl Eisenmann
William Ethier
Charles L. Howard
Anita Mielert
John D. Ritson
Linda Schofield
Eileen M. Zaldonis

The Board of Selectmen simultaneously forwarded to the Commission a memorandum from First Selectman Thomas Vincent dated July 22, 2004 regarding its “Recommended Scope of Review for Charter Revision Commission” (“July 22, 2004 Memorandum”). A copy of this memorandum is attached at Tab A.

II. MEETINGS, PUBLIC HEARINGS AND PUBLIC COMMENT

The Commission held its first organizational meeting on October 4, 2004, at which Charles Howard was elected Chair of the Commission, and the initial public hearing, pursuant to § 7-191 of the Connecticut General Statutes, was scheduled for November 10, 2004.

The Commission held a public hearing on November 10, 2004, and an additional public hearing on January 19, 2005. Prior to each public hearing, a letter was sent to the Chair of each of the Town’s appointed and elected boards and commissions requesting comment on the July 22, 2004 Memorandum or on any other items appropriate to bring to the attention of the Commission. A final public hearing was held on a draft of this report on October 18, 2005.

In addition to hearing from the people who spoke at these public hearings and at public audience at Commission meetings, the Commission received correspondence from various members of the public and representatives of various boards and commissions. Included in the correspondence received by the Commission were letters from Samuel Kohn, Harvey Goodfriend (Police Commission), Emil Dahlquist (Chair, Design Review Board), Ramon and Claire Padron, Ferg Jansen, Carolyn Keily (Town Clerk), Bill Gardner (Chair, Board of Assessment and Appeals), and Austin Barney (Zoning Commission).

Regular or special meetings of the Commission (not including the public hearings) were held on the following dates:

October 4, 2004
October 18, 2004
November 29, 2004 (no quorum)
December 20, 2004
January 3, 2005
January 25, 2005
February 7, 2005
February 16, 2005
February 23, 2005
March 21, 2005
April 4, 2005
May 2, 2005
May 18, 2005
June 6, 2005
July 11, 2005
September 7, 2005
September 19, 2005
October 4, 2005
October 12, 2005
October 18, 2005
November 7, 2005
November 10, 2005

The First Selectmen and several members of the Board of Selectmen met with the Commission in the course of its deliberations, as did the Town Moderator and the Chairs of the Board of Finance and the Planning Commission.

III. SUMMARY OF MATTERS REVIEWED

The Commission addressed all of the matters contained in the July 22, 2004 Memorandum from the First Selectman. The significant items discussed by the Commission include the following:

- Form of Government, including whether the Town should have an elected First Selectman or a Town Manager
- Terms of Office for elected and appointed Boards and Commissions
- Public Hearings, Town Meetings, Special Town Meetings, and Referenda procedures
- Combining Planning and Zoning Commissions

- Uniform Petition Procedures
- Improving Capital Budget Planning
- Possible elimination of the Health and Welfare Commission, the Aging and Disabilities Commission, and the Jury Committee
- Possibly making the Design Review Board a Charter board
- Increasing the size of the Library Board
- Whether the land use boards (Zoning Commission, Planning Commission, and Zoning Board of Appeals) should be appointed rather than elected
- Procedures for public comment at public hearings

In addition, a Technical Issues subcommittee addressed various technical changes raised in the course of the Commission's deliberations or in the July 22, 2004 Memorandum.

IV. RECOMMENDATIONS

A copy of the draft Charter, as revised by the Commission, is attached at Tab B. A copy of the draft Charter with track changes showing the changes made to the current Charter is attached at Tab C. The recommendations of the Commission and a brief discussion of the reasons for the recommendations are as follows:

A. FORM OF GOVERNMENT AND ELECTED FIRST SELECTMAN OR TOWN MANAGER

Commission Recommendation: The Commission recommends that the existing form of government, consisting of the First Selectman as chief Executive Officer, the Board of Selectmen as the legislative body, and the Town Meeting for specific budget and financial matters subject to referendum, be maintained.

Discussion: The July 22, 2004 Memorandum directed the Commission to consider the Town's form of government. A Subcommittee of the Commission researched many other forms of government including but not limited to Town Manager, Council Manager, at large or district legislative bodies, representative town meeting and strong mayor. The subcommittee provided information about these forms of government to the other Commission members. The Commission reviewed materials received from the Connecticut Conference of Municipalities on forms of government, and received testimony from members of the Board of

Selectmen, members of town boards and commissions, and members of the public both at the public hearing and at public audience during regular meetings. The Commission briefly

discussed the fact that there are multiple forms of town governance, such as a “representative town meeting,” and these were described in the materials reviewed. However, the Commission focused further discussion on two forms of municipal governments: First Selectman/Board of Selectmen and Town Manager.

The majority of members of the public who spoke or wrote to the Commission on the topic urged maintaining the present First Selectman/Board of Selectmen form of government. The majority of the members of the Board of Selectmen recommended the maintaining of the present form. The Commission concluded that while there is some public sentiment for a change in the form of government, most of the sentiment expressed was in favor of keeping the existing form of government.

The Commission obtained and reviewed reports of previous Charter Revision Commissions going back to 1985. The Commission also heard from its own members and from members of the public that previous Charter Revision Commissions considered the change to a Town Manager form, and none recommended that form. However, the 1999 Charter Revision Commission, which had a Democratic majority, did recommend a third alternative along the lines of a strong mayor form of government.

A minority of the Commission urged adoption of a Town Manager form of government on the grounds that a trained professional manager would bring education and experience to the management of town operations, including such matters as contract negotiations, financial management, and personnel issues, while policy decisions would still be made by elected officials on the Board of Selectmen. Further, the town manager would be held closely accountable through regular performance appraisals conducted by the first selectman and town council.

A majority of the Commission, however, supported the continuation of the present form of government expressed their belief that having the Chief Executive officer of the Town subject to direct elector approval is a better alternative to an appointed Town Manager not subject to direct elector approval. There was also a sentiment that the expertise of a professional Town Manager can be, and at present largely is, achieved in the context of an elected First Selectman. The Commission took notice of the fact that the First Selectman has the power under the current Charter to appoint an Assistant to the First Selectman with the expertise to assist in handling the operational day-to-day functions in a way similar to what a Town Manager would do. A change to Town Manager was not seen as necessary since the current structure allows for a good measure of both professional administration and public accountability.

Based on the foregoing, a majority of the Commission voted to recommend maintaining of the present First Selectman/Board of Selectmen form of government.

B. TERMS OF OFFICE FOR ELECTED AND APPOINTED BOARDS AND COMMISSIONS

Commission Recommendation: The Commission recommends that the term of office for the members of the Board of Selectmen, including that of the First Selectman, remain two years. With the exception of the Board of Finance and the Library Board, whose six year terms are mandated by state statute, the Commission recommends that all other Boards and Commissions have a four year term of office. The Commission recommends that alternates to the Planning Commission, the Zoning Commission, and the Zoning Board of Appeals, who have two year terms under the current Charter, also have four year terms. And finally, the Commission recommends that the change in the Charter to effect these changes be made by abolishing all current boards and commissions and reestablishing them under the new Charter with the new terms so that the transition to these new terms not take as much as eight years.

Discussion: The July 22, 2004 Memorandum included a directive to the Commission to review the length of the terms of office for elected officials and those on elected boards and commissions. It also specifically suggested that the Commission consider increasing the term of the First Selectman from two to four years.

The length of the term of office of various boards and commissions under the present Charter ranges from two to six years. The term length for the Board of Finance and the Library Board, however, are controlled by state statute and are beyond the authority of the town to change. In conducting its review of this issue for the remaining boards and commissions, the Commission heard testimony from members of the public and members of several municipal boards and received from town counsel both an opinion on the effect of adoption of a new charter on existing offices and a letter outlining the effect of alternative ways to implement a four year term.

The Commission decided against any change in the terms of office for the Selectmen, including the First Selectman. This conclusion is consistent with the recommended retention of the First Selectman form of government in that it promotes greater public accountability. Particularly if the Town were not to have a professional town manager, the chief executive officer should be in a position to be accountable to the electorate with reasonable frequency.

For the remaining boards and commissions, however, the Commission found persuasive the presentations that asserted that six-year terms were too long and two-year terms were too short. Creating four-year terms for most boards and commissions would create better continuity of service and uniformity and clarity of service requirements. The Commission believes that shorter terms would also increase public accountability without unduly threatening the willingness of members of the public to serve in these capacities. The Commission

concluded that a four-year term of service was the most reasonable length of time to attract the maximum number of volunteers to serve on town boards. Some commentators at the Commission's public hearings argued that six-year terms were necessary because new members needed the first two years to learn the job. The Commission did not find this argument to be compelling since certain boards and commissions, particularly the land use boards, have the power to significantly affect the lives and property of citizens. Citizens appearing before these board or commissions should not have to suffer that much on-the-job training, and the two-year difference between the current Charter provision and the Commission's proposal comes at the end of the term and thus does not really address learning required at the beginning of a term of service. If pre-service training is lacking for these important volunteer jobs, it certainly can be provided. Moreover, alternate members on the land use boards (who would have a four year term under the proposed Charter) can obtain whatever on-the-job training might be required while still in their alternate role.

Once the Commission decided to recommend four year terms for most boards and commissions, language to implement the change was developed. Some boards have an even number of members while others have an odd number. Combined with a range of terms from two to six years and statutory requirements for minority party representation, it became clear that implementation and phasing in four-year terms could be complex. The Commission assigned the task of evaluating alternative systems to implement a four-year term to a subcommittee.

With the assistance of town counsel, the subcommittee reviewed alternative ways of implementing this change in the Charter and recommended the simplest and most straight forward implementation plan, recognizing that alternative plans that did not abolish the current boards and commissions but which more slowly phased out six-year terms would take many years to fully implement. The changes recommended are based on having the proposed new Charter abolish all boards and commissions created under the current Charter and replace them with identical boards and commissions (except for length of terms) created under the proposed Charter. This approach is based on an opinion from Town Counsel that concluded that a new charter may abolish boards and commissions created under a previous charter and thereby eliminate the remaining terms of members previously elected to those boards and commissions. The proposed Charter transfers the powers and jurisdiction to the corresponding new boards and commissions, with the new terms, unless the language of the new charter specifically states otherwise. After reviewing the subcommittee's recommended Charter language, the Commission made clarifying amendments to it and adopted the recommendation for four-year terms for all regular and alternate members of all permanent elected and appointed boards and commissions created by the Charter, except the Board of Selectmen and Board of Finance. The new terms, as provided in the proposed Charter, would begin with the next municipal election, the election in 2007. These changes are reflected in Sections 301 and 302 of the proposed Charter.

C. PROCEDURES FOR TOWN MEETINGS, SPECIAL TOWN MEETINGS AND REFERENDA

Commission Recommendation: The Commission recommends that: (1) the Town continue to have discussion of the annual budget at both a Board of Finance public hearing in accordance with Section 907 of the current Charter and at an Annual Town Budget Meeting in accordance with section 909 of the current Charter; (2) the expenditure threshold for referral to a referendum in Section 506 be lowered from three percent to one percent; and (3) items referred to referendum as a result of a Special Town meeting generally would be voted on at a referendum held either on the same date as the annual Town budget referendum or at the annual November election of public officials. Only if the Board of Selectmen determined by a majority vote that the matter was too time sensitive to wait until one of these occasions would a special referendum be held.

Discussion: The July 22, 2004 Memorandum raised the issue of whether both the Board of Finance budget hearing and the annual budget meeting are necessary. It also directed the Commission to consider whether the Section 506 expenditure threshold should be raised or lowered from three percent.

The Commission decided not to recommend elimination of one of the public hearings at which the budget is discussed because it believed that it is important to give townspeople every opportunity to become educated about the details of the budget and to have input into the budget process. While there may be issues of redundancy or a lack of strong attendance at one meeting or the other, more opportunities to learn about the budget should be encouraged.

The Commission feels strongly that the current approach to voting on smaller budget items at the Town Meeting, i.e., those that involve amounts under three percent of the annual budget, did not serve the ideals of democracy well. The Commission noted that many individuals who might like to vote have in the past been unable to do so if they cannot attend the evening Town Meeting due to conflicting obligations, business trips, age, infirmity, or a myriad of other reasons. In addition, those who do tend to attend such meetings seem to disproportionately represent stakeholders with a very specific interest in the matter being voted on and do not represent a broad cross-section of voters at large. And finally, it seemed that the public had trouble understanding why votes were taken on these items at a Town Meeting when the rest of the annual budget was being submitted to referendum. By lowering the expenditure threshold to one percent, the effect of the Commission's recommendation is that items not included in the annual budget will either be decided by the Board of Selectmen (if under one percent) or automatically referred to referendum after discussion at a special Town meeting (including the special Town Meeting held immediately following the Annual Budget Town Meeting). The Commission's recommendation preserves the opportunity for

townspeople to hear each others' positions on each matter but also assures that all interested voters have a greater opportunity to exercise their democratic rights in deciding each matter.

The Commission was concerned about the cost of holding a referendum every time an issue comes up for consideration that would previously have been voted on at a special Town Meeting. Accordingly, the Commission's recommendation is that all such issues be placed on the ballot with other ballot issues at the two times a year that the Town otherwise votes on a town-wide basis (the annual budget referendum in the spring and the November public official elections) to avoid incurring additional costs. An escape clause, however, has been added to permit the Board of Selectmen to call a special referendum if a matter is too time sensitive to wait until one of the two regular elections or referenda.

D. COMBINING THE PLANNING AND ZONING COMMISSIONS

Recommendation: The Commission decided not to recommend combining the Planning and Zoning Commissions and thus is not making any recommended changes to the Charter on this issue.

Discussion: The July 22, 2004 Memorandum directed the Commission to consider this issue. The Commission, however, did not hear much comment on this topic from the public. In particular, only one person spoke in favor of combining the two commissions while four public officials, including the Chair of the Design Review Board, the Chair of the Planning Commission, and the Chair of Zoning Board of Appeals spoke against combining the two commissions. In addition, the only Zoning Commission member that the Commission heard from advocated keeping the commissions separate.

After fully discussing the issue, a majority of the Commission voted in favor of recommending that the Planning and Zoning Commissions not be combined. The main argument presented to the Commission for keeping these land use boards separate was that the Planning Commission and the Zoning Commission fill very different roles. The Commission heard that the Zoning Commission has a regulatory purpose while the Planning Commission has a forward looking planning function and is required by state statutes to prepare a plan of conservation and development every ten years. The Commission was told that the different tasks required of each commission require a different mindset and focus.

While these arguments may be partially true, they were unpersuasive since the Planning Commission also performs a regulatory role through its review of and decisions on subdivision applications, and the Zoning Commission plays a significant role in how the plan of conservation and development is applied through its adoption of the Town's zoning regulations and zoning map. Nonetheless, the Commission believes that a combined planning and zoning commission would likely not fulfill either function as well as separate commissions because there would just be too much work to do. The Commission recognizes the significant workload required of both land use commissions. While many towns do have combined planning and zoning commissions, the spirit of volunteerism in Simsbury is still strong.

Simsbury has been fortunate to have volunteers eager and willing to participate on these commissions. Getting people to serve on a combined commission with the increased

workload, however, could be a problem. Additionally, the more people who participate on the two commissions give each project better examination and public discourse all to the betterment of the Town.

It is important to note, however, that the Commission was concerned that some people felt that the separate commissions have historically resulted in a land use approval process that has been unduly slow and costly for developers who might otherwise invest in Simsbury. Yet, the Commission recognized that these commissions have been working together efficiently for the past three years. Several people cited the Ensign Bickford/Powder Forrest approval process as an example of how the commissions can work together to have combined hearings and coordinate decisions. The Commission strongly believes that this trend of improved coordination should continue.

E. UNIFORM PETITION PROCEDURES

Commission Recommendation: The Commission recommends that the Charter have uniform procedures for petitions. Instead of the various time limits and varying language concerning petitions that appears in several sections of the current Charter, the Commission's recommendations give the Town Clerk seven business days to check the names on a petition in every section in the Charter that addresses the subject of petitions. The Commission also recommends clarifying and making uniform the language in the Charter relating to the need for notarization of petitions. In this regard, the Commission recommends that the term "affidavits" be defined to mean sworn affidavits by reference to Sections 1-24 or 1-24a of the Connecticut General Statutes.

Discussion: At the Public Hearing held on November 10, 2004, a concern was expressed that the petition process is flawed. In addition, the Commission received a memorandum from the Town Clerk, Carolyn Keily, commenting on the disparity in petition procedures in Sections 406, 407, 504, 505, 507 and 1108 of the current Charter. She also noted that while some Charter provisions required an affidavit, similar language is not included in Sections 505 and 1108. Ms. Keily observed that she believed the Charter should specifically address the issue of whether petitions need to be notarized because, in the past, circulators have submitted petition pages signed by them that had not been acknowledged by a notary, thus leading to rejection of the petition.

The Commission discussed the issues raised in Ms. Keily's memorandum and agreed that there is a need for uniformity and consistency in the language of the Charter regarding petitions and that the terms used in the Charter should be clear. The revisions recommended by the Commission are consistent with Ms. Keily's recommendations.

F. IMPROVING CAPITAL BUDGET PLANNING

Recommendation: The Commission has recommended new provisions of the Charter in Chapter IX to improve the capital expenditure planning process. A new Section 903 is proposed that would require capital improvement projects to appear on at least the previous year's Capital Improvement Program ("CIP" and also colloquially referred to as the "6 year plan") before they can be submitted to the voters for approval. An exception, however, is provided to allow for market opportunities or urgent matters to avoid this requirement with the vote of at least four members of each of the Board of Selectmen and the Board of Finance.

Discussion: The Simsbury Capital Improvement Program was considered by the Commission in the light of its discussions regarding the Annual Town Budget Meeting, Special Town Meetings, referenda, and petition initiatives, especially as certain project proposals may arise via more than one of these routes. State law requires that capital improvement projects for which state funding is requested be part of a CIP "projected for a period of not less than five years and so prepared as to show the general description, need and estimated cost of each individual capital improvement." (CGS § 7-536)

In studying the evolution of the current CIP over the past ten years and by following approximately ten projects through that process, the Commission felt it is in the public interest for the year-to-year progression of projects to be strengthened with a greater emphasis on planning and prioritizing all projects for the community. Consistency, both in policy priorities and financial projections, would benefit the entire community in more effective long-range planning. By more accurately reflecting what capital improvement projects are likely to appear on future year's capital budgets, voters would be in a better position to evaluate current proposals on which they are being asked to vote.

The Commission solicited comment from the Board of Selectmen, the Board of Finance and the Board of Education on the proposed language of Section 903 and related changes in the Charter. The Commission received correspondence from the chair of the Board of Finance indicating that the Board was opposed to the proposal. Although the Commission did not receive any response to its request from the Board of Selectmen or the Board of Education, it was aware of the discussion that occurred on the topic at the Board of Selectmen (which had two members in favor of the proposal and four members opposed to it) and the relevant section of the Board of Selectmen's minutes was read to the Commission.

The Commission was not persuaded by the reasons proffered by the Board of Finance and the Board of Selectmen. The proposal admittedly will decrease the flexibility that the Boards currently have in presenting capital improvement projects to the public on short notice, but the Commission believed that the resulting increase in more careful, long-range planning and public awareness that would result offsets any disadvantages.

Accordingly, the recommendation unanimously agreed upon by the Commission would require that, in any given year, only those projects which appeared on the previous year's CIP for the ensuing year may be considered for approval. An escape clause has been provided to allow for market opportunities or urgent needs by going through the Boards of Selectmen and Finance. The Commission believes that this measure is prudent, reasonable, and will add a greater degree of compliance to the Town's debt retirement policy.

G. POSSIBLE ELIMINATION OF THE AGING AND DISABILITIES COMMISSION, HEALTH AND WELFARE COMMISSION AND JURY COMMITTEE

Recommendation: The Commission recommends that the Aging and Disabilities Commission be retained in the Charter and that both the Health and Welfare Commission and the Jury Committee be disbanded and eliminated from the Charter.

Discussion: The Commission was directed by the July 22, 2004 Memorandum to consider whether these bodies should continue to be Charter commissions. The Commission wrote twice to their Chairs requesting that they meet with the Commission to discuss their work and whether they needed to continue to be referred to in the Charter. The Commission, however, never received a response to these letters. In addition, the Commission met with Ms. Lecours-Beck, the Town's Director of Social Services, to discuss the work of the Aging and Disabilities Commission and the Health and Welfare Commission.

- *Aging and Disabilities Commission (Section 707):* This commission was originally formed to address the service needs of elderly and disabled town residents, including issues such as their needs for side walk modifications. It is fully staffed and quite active, according to testimony by Ms. Lecours-Beck. Since the commission is active and working well, no change is proposed. At the October 18, 2005 Public Hearing, the liaison from the Board of Selectmen to the Aging and Disabilities Commission, John Romano, presented the Commission with a request that the Charter specify that some members of the Aging and Disabilities Commission be persons with disabilities. After discussion, the Commission decided that this is a matter best left to an ordinance, and the Commission recommends that the Board of Selectmen consider amending the ordinance dealing with the Aging and Disabilities Commission to address this issue. Further, if such an ordinance is considered, we suggest consideration of a reference to include either persons with disabilities or family members of, service providers for, or advocates for persons with disabilities.

- *Health and Welfare Commission Section 708:* This committee has been relatively inactive for the last five years, as the social services department fulfills the commission's former functions. The social services department does call upon volunteers as needed, but the commission now only meets at most twice annually and does not have a clearly identified mission or organization. Ms. Lecours-Beck indicated that its elimination would not affect the work of her department. The Commission decided that it should be eliminated from the Charter.
- *Jury Committee Section 716:* The July 22, 2004 Memorandum directed the Commission to consider elimination of the Jury Committee. At present there is no Jury Committee and such a committee is no longer required by state statute. The Commission decided to eliminate it from the Charter.

H. POSSIBLY MAKING THE DESIGN REVIEW BOARD A CHARTER BOARD

Recommendation: The Commission decided not to include the Design Review Board in the Charter.

Discussion: At the request of its chair, Emil Dahlquist, the Commission considered whether to include the Design Review Board in the Charter. The Design Review Board is an appointed board of design professionals that reviews and comments on the design of proposals presented to the land use boards. The board is not required by state statutes. Although the Design Review Board is held in high regard by members of this Commission as professionally qualified and capable and it unquestionably has had a positive impact on the design of projects and to the high quality of life in Town, the Commission concluded that its mission is advisory to the Planning and Zoning Commissions and that it is not necessary for it to be in the Charter. The Commission decided to support retaining the current status of the Design Review Board but urges the Board of Selectman to consider establishing the Design Review Board by ordinance to give it greater permanency.

I. INCREASING THE SIZE OF THE BOARD OF LIBRARY DIRECTORS

Recommendation: The Commission decided to increase the size of the Library Board of Directors from 6 members to 9.

Discussion: At the initial public hearing, Carol Bingham, current Chairman of the Library Board of Directors, asked that the Commission consider increasing the size of the Library Board. She indicated that more directors are needed to share the workload, especially in light of the upcoming Library expansion project. Joel Mandell, Selectman and liaison to the Friends of the Simsbury Public Library, agreed with Ms. Bingham that more members are needed on the Library Board.

The Commission recognized that the Library Board of Directors serves on a volunteer basis and agreed that the request for more members to share the work of the Board was reasonable. Since state statutes require that the number of library board directors must be divisible by 3, the Commission agreed to increase the number to nine.

J. ELECTING OR APPOINTING LAND USE COMMISSIONS

Recommendation: The Commission recommends no change to the current procedure of electing members of the land use commissions, which include the Planning Commission, the Zoning Commission, and the Zoning Board of Appeals.

Discussion: The accountability of the land use boards to the public was discussed by the Commission. While these three commissions are currently elected, others, such as the conservation commission-inland wetlands and watercourses agency, are appointed by the Board of Selectmen. A sentiment was expressed on the Commission that there was no principled difference in having some of these boards appointed while others were elected, particularly since many voters are not aware, when they vote, of who many of these people are or what positions they have taken on issues. A minority opinion thought that the Board of Selectmen would have more knowledge of, and be in a better position to evaluate, the performance of individual land use board members than the general public. The Commission, however, recognized that land use board members, like most members of Town boards and commissions whether elected or appointed, are initially selected by the Town's political party committees. This town committee party process likely would result in the same candidates being approved for appointment as are currently placed on the ballot for election. Accordingly, a majority of the Commission concluded that the current system works well and that there was no need for a change of this magnitude. Moreover, the consensus was that having these three bodies elected by the public was consistent with the Commission's support for greater public accountability.

K. PROCEDURES FOR PUBLIC COMMENT AT PUBLIC HEARINGS

Recommendation: The Commission makes no recommendation to limit the presentations by Town officials at public hearings or the Annual Town Budget Meeting.

Discussion: The Commission discussed whether it should make a recommendation limiting presentations by Town officials to a total of one hour at public hearings and at the Annual Town Budget Meeting in order to allow for more public comment. There is a similar provision for hearings at the General Assembly. After discussion, the Commission decided not to support such a recommendation because it was not seen as necessary (most presentations by the Town do not take more than an hour) and because it could better be achieved through a procedural rule by the Town Moderator.

L. TECHNICAL ISSUES

At the December 20, 2004 regular meeting of the Commission, a Technical Issues subcommittee, chaired by Carl Eisenmann, was appointed to develop recommendations for technical changes to the Charter deemed necessary or advisable due to amendments to state statutes, name changes, current practices and other relevant factors. The subcommittee held several meetings, drafted recommended changes and reported to the full Commission at regular meetings following the subcommittee's actions.

The subcommittee was very well advised and assisted in its work by Town Attorney Robert DeCrescenzo who attended the subcommittee meetings. The subcommittee's work evolved into three categories: (1) The changes recommended by the Board of Selectmen in the

July 22, 2004 Memorandum, (2) review of recommendations from the Town Clerk and from board and commission chairs, and (3) a complete section-by-section review of the 1995 Charter. While not every subcommittee recommendation was adopted by the full Commission, those adopted formed the basis for a fully up-to-date research-friendly document. The subcommittee's proposed amendments, additions and deletions are summarized as follows:

- A change in references to the Connecticut General Statutes by deleting the "as amended" appendage to the statutes as they are cited throughout the Charter, and the substitution of a new section 1110 (b), which provides that all references to the statutes are to those provisions in effect on the date of the adoption of the new Charter and that recodification or subsequent amendments or revisions are incorporated by reference.
- Charter Section 203 governing minority representation on Town Boards and commissions adds the Police Commission to its provisions, so as to be consistent with the renumbered and changed Charter Section 715(a) mandating effectively a nonpartisan Commission, by providing that not more than two (2) Commission member may be of the same political registration.
- Several name changes of boards and commissions have been made to conform to state law or to reflect changes in titles of certain positions. Clarifying language has been added to several sections, and a new section (Section 716) was added to recognize the Open Space Committee. A definition of "affidavit" has been included in the Charter, as it was reported that some members of the public did not have a clear understanding of the meaning of this term. The sections that require documents to be notarized were amended to spell out who is permitted to administer oaths or affirmations.
- The Annual Budget Meeting has been changed to "Annual Town Meeting for Consideration of the Budget" to clarify its meaning.

- The Health and Welfare Commission and Jury Committee are eliminated by reason of their functions being assigned to other agencies. Other provisions no longer applicable have been eliminated.
- A new provision clearly mandates the appointment of Counsel to protect the rights of board and commission members in suits or proceedings brought against them when acting in their official capacities. This provision is added to the Section governing the duties of the Town Attorney, Section 806.

V. ACKNOWLEDGMENTS

Commission wishes to express its appreciation to the citizens and public officials who took the time to meet with the Commission or to communicate their view on the topics considered by the Commission. The Commission is especially indebted to Kathi Radocchio, its clerk, and to Bob DeCrescenzo, Town Attorney, for their able assistance. Finally, the Commission's agenda, the minutes, this Report, and a host of other logistical matters would not have been accomplished without the assistance of Terry Banister of Shipman & Goodwin.

Respectfully submitted,

Charles Howard, Chair

Carl Eisenmann

William Ethier

Anita Mielert

John D. Ritson

Linda Schofield

Eileen M. Zaldonis

ATTACHMENTS

Tab A	July 22, 2004 Memorandum from First Selectman
Tab B	Proposed Charter
Tab C	Proposed Charter with track changes showing changes from current Charter